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INDIAN NATIONAL AND INDIAN CORPORATION INDICTED ON CHARGES OF SUPPLYING INDIAN GOVERNMENT WITH CONTROLLED TECHNOLOGY

WASHINGTON, D.C. - On September 9, 2008, a federal grand jury in Washington, D.C. returned a five-count indictment against an Indian national and an Indian corporation on charges of supplying the Government of India with controlled goods and technology without the required licenses, U.S. Attorney Jeffrey A. Taylor, Acting Assistant Attorney General for National Security Patrick Rowan, and Darryl W. Jackson, Assistant Secretary of Commerce for Export Enforcement, announced today.

Specifically, the indictment alleges that between August 2001 and June 2003, Siddabasappa Suresh and the Rajaram Engineering Corporation conspired to violate the International Emergency Economic Powers Act (IEEPA) and the Export Administration Regulations (EAR). The defendants were also charged with four substantive counts involving violations of IEEPA and the EAR.

According to the indictment, the Department of Commerce (DOC) was responsible for reviewing and controlling the export of certain goods and technologies from the United States to foreign countries. In an effort to protect the national security and foreign policy of the United States, the DOC restricted the export of goods and technology to certain government, quasi-governmental, and private entities that the DOC determined to be involved in nuclear proliferation. Such entities were identified on the DOC's Entity List. Any export of U.S. goods and technology required a license from the DOC authorizing such export. Failure to obtain a license prior to the export was a criminal offense.

According to the indictment, the Vikram Sarabhai Space Centre (VSSC) was within the Department of Space of the Government of India. It was responsible for research, development, and production of India's space launch system. These activities encompassed both civilian spacecraft and ballistic missiles. VSSC was on the Entity List.

In 2003, the DOC - Office of Export Enforcement, Bureau of Industry and Security, was conducting an enforcement action, known as the Sentinel Program, in which agents from the DOC would travel to foreign countries for the purpose of verifying the end user of certain controlled goods. In early 2003, the DOC scheduled a post shipment verification check in India. In preparation for the trip, the agents reviewed paperwork that had been filed with the DOC concerning recent shipments of controlled goods to India. In doing so, the agents discovered the sale of controlled goods from a U.S.-based company, (referred to in the indictment as "Corporation-U.S.") to Rajaram, which is located in Bangalore, India.

According to the indictment, Rajaram was identified as an importer, exporter and manufacturer of testing and measuring instruments. Suresh, a citizen and resident of India, was

identified as the owner and manager of Rajaram. The investigation revealed that Suresh conspired with employees of an Indian-based subsidiary of Corporation-U.S. (referred to in the indictment as "Corporation-India") to circumvent the export control laws of the United States by transshipping controlled goods through Rajaram to Listed Entities within India. The object of the conspiracy was evade the prohibitions and licensing requirements of the EAR by concealing the identity of the ultimate consignee of the controlled goods, thereby creating a larger market for these controlled goods resulting in increased corporate profits.

According to the indictment, from 2001 to 2003, Suresh and Rajaram caused the export of approximately 25 shipments of controlled goods from the United States to Listed Entities within India. These transactions involved more than 100 controlled goods, with an approximate value of \$136,000. The indictment specifically identified six shipments to VSSC of various controlled goods from 2002 through 2003. All of these transactions involved complex electronic instruments used in high performance testing and monitoring. These functions were essential in the research and development of launching systems, to include missile delivery systems. The defendants knowingly failed to obtain or apply for a license from the DOC authorizing any of these transactions.

In announcing the indictment, U.S. Attorney Taylor, Acting Assistant Attorney General Rowan, and Assistant Secretary Jackson praised DOC Special Agent Ed Hayden for his diligent work in this document intensive investigation and his assistance in the presentation of this case before the grand jury. They also thanked Trial Attorney Patrick T. Murphy of the Counterespionage Section of the U.S. Department of Justice and Assistant United States Attorney Michael C. DiLorenzo for their assistance with this case.

An indictment is merely a formal charging charge that a defendant has committed a criminal violation. All defendants are presumed innocent until and unless proven guilty in a court of law.

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